



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of:

Angelo N. Grandelli - Storage of Household Goods

File:

B-226937.2

Date:

December 13, 1988

DIGEST

A transferred employee may not be allowed additional time for temporary storage of his household goods in excess of the 180-day period authorized by the Federal Travel Regulations. However, the overpayment which resulted from the agency's erroneous authorization of storage beyond 180 days may be considered for waiver under 5 U.S.C. § 5584 (Supp. IV 1986).

DECISION

An employee of the Veterans Administration (VA) questions whether his household goods may be placed in storage for a period of time greater than that provided by the applicable statute and implementing regulations. It is our determination that no such authority exists.

Mr. Angelo N. Grandelli was transferred from the VA Medical Center in Battle Creek, Michigan, to the VA Medical Center in the Bronx, New York. Under 5 U.S.C. § 5724(a)(2) (1982), a transferred employee is entitled to the expense of temporarily storing his household goods incident to his transfer. However, paragraph 2-8.2c of the Federal Travel Regulations limits the reimbursable storage period to 180 days, a 90-day initial period and an additional 90-day period which may be granted under certain circumstances.^{1/}

Although the VA approved his request for a third additional 90-day period of storage time, that approval was erroneous because it exceeded the maximum storage period authorized by the FTR. This regulation providing a 180-day maximum storage period was promulgated pursuant to statutory authority contained in 5 U.S.C. § 5724(a)(2), and it has the

^{1/} FTR (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1987).

044199/137580

force and effect of law. Therefore, neither the General Accounting Office nor the Veterans Administration may waive, modify or extend the time limitations set forth therein. See Harry E. Johnson, B-201043, June 26, 1981.

We note that the VA paid the carrier for the additional period of temporary storage (56 days - \$738.08) and has billed Mr. Grandelli for this erroneous payment. Generally, claims for excess periods of storage of household goods would not be subject to waiver. See generally Dr. Kurt Euller, B-226755, Oct. 26, 1988. However, since the employee's debt resulted from the erroneous authorization, the indebtedness is considered to be an erroneous payment which would be subject to consideration under the waiver statute, 5 U.S.C. § 5584 (Supp. IV 1986). See Gunnery Sergeant Robert S. Jackowski, B-229355, Oct. 21, 1988. Therefore, we remand the case to the agency for an administrative report concerning the circumstances of this erroneous payment and whether waiver might be appropriate. 4 C.F.R. part 92 (1988).

Accordingly, Mr. Grandelli's request for an additional 90 days of household goods storage must be denied, but the case is remanded to the agency to consider whether the overpayment should be waived. -

Milton J. Fowler
for Comptroller General
of the United States